THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 12th September, 2006

W.P.No.5926 of 1995

Between:

The General Manager, Area-I,
Singareni Collieries Co .Ltd.,
Ramagundam Division,
District-Karimnagar … Petitioner

and

The Presiding Officer,
Industrial Tribunal-I,
Chandra Vihar, M.J.Road,
Hyderabad and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to quash the Award dated 9-3-1994 passed in I.D.No.66 of 1990 on the file of Industrial Tribunal-I, Hyderabad.

The Workmen of GDK-6A and B Inclines, Godavarikhani area raised a dispute and the same was referred to the Industrial Tribunal-I, Hyderabad for adjudication. The dispute reads as under:

> "Whether the action of the Management of M/s.Singareni Collieries Co.Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, Dt. Karimnagar (A.P.) is justified in denying lay-off compensation to the Coal Filler of GDK.6A/B Inclines, when there was breakdown of power supply in the second shift on 29-9-1988 ? If not, to what relief the workmen concerned are entitled ?"

It appears that on 29-9-1988 there was a breakdown of main power supply at GDK 6A & B Inclines from the beginning of second shift (3.00 p.m. to 11.00 p.m.). The circuit feeding power to GDK-11A, GDK-7 & 7A Inclines and also GDK-6A & B Incline is common and the breakdown was at GDK 6A & B Inclines. The Management also stated that the power would be restored before 5.30 p.m. to GDK-6A and B Inclines. The workmen of GDK-6A and B Inclines waited at the mine premises with a view to go down the Mine in case the power is restored. As per the provisions of the Industrial Disputes Act,1947, the Management has to display lay-off notice within two hours of the commencement of the relevant shift when power breakdown etc., is occurred. The Mine Management of GDK-11A,

GDK-7 & 7A Inclines had displayed notice at their Mines and paid the lay-off Muster to their workers as per the statute. The Mine Management of GDK-6A and B Inclines had also displayed lay-off notice at Mine premises after 5.30 p.m., since there was no purpose of waiting for power beyond the permissible time. After seeing the lay-off notice, the workers of GDK-6A and B Inclines left the Mine premises after 5.30 p.m. When the compensation as required under the Act was not paid, the respondent-workmen raised the dispute. The Management filed a counter denying the allegations made by the workmen. Before the Tribunal, on behalf of the workmen, W.W.1 was examined and Ex.W1 was marked. On behalf of the Management, M.W.1 was examined and M.Ws.1 to 11 were marked. After an elaborate consideration of both oral and documentary evidence placed before it, the Tribunal came to the conclusion that after seeing the lay-off notice in the Notice Board, the workers of GDK-6A and B Inclines left the mine premises and naturally, they are entitled to the lay-off muster. When once lay-off was declared, the Management has to pay the lay-off musters to the concerned workers. On a consideration of the facts and circumstances of the case, the Tribunal was of the view that the Management must pay the lay-off muster to the workmen of GDK-6A and B Inclines. Thus, it was declared that the action of the Management in denying lay-off compensation to the Coal Fillers of GDK-6A and B Inclines, when there was a breakdown of power supply in the second shift on 29-8-1998, was not justified and directed the Management to pay the lay-off muster to the workers of second shift of 29-9-1998 of GDK-6A and B Inclines. Aggrieved by the same, the Management filed the present Writ Petition.

Heard both sides and perused the impugned Award and other material made available on record.

The breakdown of power supply on 29-9-1998 and affixing of lay-off notice in the Mine notice board is not in dispute. It is also not in dispute that under similar circumstances, the Management had paid lay-off muster to the workmen of GDK 11-A and GDK 7 & 7A Inclines. Further, it is not disputed that there is a common feeder circuit for GDK 11-A and GDK 7 & 7A Inclines and also GDK 6A & B Inclines. Therefore, the Tribunal rightly found that when once the Mine Management of GDK 11-A, GDK 7 & 7A Inclines displayed lay off notices at their mines and paid the lay-off to their workers as per statute, the Management had discriminated in not paying lay-off muster to the workers of GDK 6A & B Inclines. I am of the opinion that the Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

12-9-2006

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